

# O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

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October 18, 2023

**Via ECF**

Hon. Edward S. Kiel, U.S.M.J.  
United States District Court, District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street, Courtroom PO 08  
Newark, New Jersey 07101

**Re: *New Wallington Home, LLC, et al. v. Borough of Wallington, et al.***  
**Civil Case No.: 20-08178 (CCC) (ESK)**

Dear Judge Kiel:

The parties are currently scheduled for a telephonic status conference before Your Honor on October 20, 2023, at 10 a.m. The undersigned has an in-person oral argument scheduled for 10 a.m. on the 20<sup>th</sup> in Union Couty and therefore, we respectfully request for a brief adjournment of this conference. Defendants' counsel has consented to this request.

The additional time will also allow the parties to finalize their settlement agreement. As the Court may recall, the purpose of the status conference was to ensure the parties were on-track to finalize the proposed settlement of this matter particularly in light of the various local approvals needed. As an update, Plaintiff presented a draft settlement agreement to the Defendants on August 23, 2023. To date, Defendants have not provided a response to the draft settlement agreement and Plaintiff is informed that the delay is caused by the various approval levels within the Borough of Wallington. Defendants have informed Plaintiff a redline of the draft settlement agreement is forthcoming. Accordingly, a brief adjournment will also allow the parties to provide a more fulsome update to the Court.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/ James DiGiulio  
James DiGiulio, Esq.

cc: All counsel of record (via e-mail)